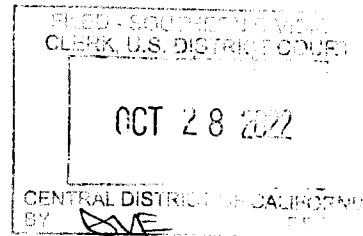


ORIGINAL

1 GUILLERMO ARCA  
2 21661 BROOKHURST ST. APT. #85  
3 HUNTINGTON BEACH, ORANGE 92646  
4 No Fax

5 No Email  
6 In Pro Per



- IFP Submitted

7 UNITED STATES DISTRICT COURT  
8 CENTRAL DISTRICT OF CALIFORNIA

9  
10 CASA APARTMENTS LP  
11 PLAINTIFF,  
12 VS.  
13

14 GUILLERMO ARCA DOES 1 TO 10  
15 INCLUSIVE  
16 DEFENDANT,

By Fax  
} Case No.:  
} 8:22-cv-01983-JVS-(JDE)  
} NOTICE OF REMOVAL UNDER  
} [28 USC 1332, 1391, 1441, 1446  
} (6)]  
} Calif. CCP 430.90]  
} From The SUPERIOR COURT OF  
} CALIFORNIA  
} Case No. 30-2022-01268531-CL-  
} UD-CJC

17  
18  
19 Defendants allege:

20 **PARTIES AND COUNSEL**

21 1. Defendant, GUILLERMO ARCA is a party in a California State  
22 Court filed in ORANGE County Superior Court, concerning real  
23 property located at 21661 BROOKHURST ST. APT. #85, HUNTINGTON  
24 BEACH, ORANGE, CA 92646 [hereafter "premises"], within this  
25 court's jurisdiction.  
26 2. Defendant, former owner of the premises, and participants in  
27 this litigation.  
28

1 3. Whereas this action was filed in California State Court only  
2 against the former owner of the premises, Defendant is a bona  
3 fide tenant under the "Protecting Tenants at Foreclosure Act"

4 4. Plaintiff is represented by Counsel in the State Court action  
5 as follows:

6  
7 SHELLEY M. CRAWFORD #219957  
8 KIMBALL. TIREY & ST. JOHN LLP  
9 2040 MAIN STREET, SUITE 500  
10 IRVINE, CA 92614  
11 (619) 560-6669

12 **Federal Question**

13 5. Plaintiff has actually filed a Federal Question action in  
14 State Court, for which the State Court Action is removed under  
15 28 U.S.C. 1441 *et seq.* and *Hunter v. Philip Morris USA*, 582 F.3d 1039,  
16 1042-43 (9th Cir. 2009); 28 U.S.C. 1331.

17 6. New federal legislation effective May 21, 2009, as amended in  
18 July, 2010, as Public Law 111-203, the "Protecting Tenants at  
19 Foreclosure Act 2009," 12 U.S.C. 5220, note [hereafter "PTFA"  
20 preempted State Law as to bona fide Residential tenants of  
21 foreclosed Landlords [*Florida Lime & Growers, Inc v. Paul*, 373 U.S. 132,  
22 142-43 (1963) (concept of limited preemption)]

23 a. Whereas under California Law, a foreclosure automatically  
24 terminated any junior agreements [*Bank of America V. Hirsch Merc. Co.*  
25 (1944) 64 Cal App 2d 175, 182], Section 702(a)(2) of the PTFA  
26 makes the purchaser at the foreclosure sale subject to the  
27  
28

1 rights of the existing bonafide tenants. The tenancy is  
2 protected by federal law.

3 b. Whereas under California, a foreclosure eviction may be  
4 filed as to any such tenant on more 60 days' notice of  
5 termination [California Civil Procedures Code 1161a, 1161b],  
6 the PFTA requires that a full 90 days ' notice be given [PTFA  
7 701(a)(a)]

8 c. Whereas under California Law, the notice of termination  
9 can be given at any time after the foreclosure purchaser has  
10 title [California Civil Procedures Code 1161a], under the  
11 PFTA the 90-day notice can ONLY be given when the tenancy is  
12 a month-to-month OR if the tenancy is a lease where the buyer  
13 who will move into the premises as their primary residence.  
14 [PFTA 701(a) (2)]

15 d. It is unlawful to evict a bona fide residential tenant of  
16 a foreclosed landlord under Federal Law.

17 7. The complaint in this action was filed in State Court as  
18 artful pleading, entitled by the Superior Court of California as  
19 Unlawful Detainer, pleadings intentionally fails to allege  
20 compliance with the PTFA, serving only a 3 day notice to quit.  
21 Thus, in order to evict a bona fide residential tenant of a  
22 foreclosed Landlord, Plaintiff was required to state a cause of  
23 action under the PTFA, but sought to avoid those protections by  
24 filing this action as an "Unlawful Detainer" by artful pleadings  
25 in State Court.

26 8. A well-pleaded complaint is shown at least where the  
27 Plaintiff's right to relief necessarily depends on resolution of  
28 a substantial question of Federal Law. *Armstrong v. N. Mariana*

1 *Islands*, 576 F.3d 950, 954-55 (9th Cir. 2009); *Empire Healthcare*  
2 *Assurance v. McVeigh* 547 US 677, 689-690 (2006); *Franchise Tax Bd. v. Const.*  
3 *Laborers Vacation Trust for S. Cal.* 463 US 1, 12, 27-28 (1983). Here, the  
4 complaint is based upon the PTFA, but it was brought in Superior  
5 , and misnomered "Unlawful Detainer."

6 9. Even where the cause of action is based on state law, the  
7 district court has subject matter jurisdiction over the case if

8 (1) the federal issues are essential to the claims,

9 (2) there is a substantial federal issues in resolving such  
10 issues, and

11 (3) a Federal forum may entertain the state law claims  
12 without disturbing the balance of federal and state  
13 judicial responsibilities. *Grable & Sons Metal Prods v. Darue Eng.r*  
14 *& Mfg.* 545 US 308, 313, 315 (2005). Here, the PTFA is  
15 essential to the right of possession, Congress passed the  
16 PTFA to express its substantial interest in such issues,  
17 and the "balance" of judicial responsibilities will not  
18 be disturbed.

19 10. Stripped of the artful pleading [*Arco Envtl. Remediation LLC v. Dept. of*  
20 *Health and Envtl Quality* 213 Fed 3d 1108, 1114 (9th, 2000)], the  
21 complaint attempts to state a cause of action in PTFA ejectment,  
22 and cannot state a cause of action in State unlawful detainer.  
23 The PTFA is that substantial question of law. The Plaintiff  
24 cannot defeat removal by omitting necessary federal question of  
25 law. The plaintiff cannot defeat removal by omitting necessary  
26 federal questions in the Complaint.

27 11. To be a federal cause of action, there must also be a  
28 private right of action. *Merrill Dow Pharms. Inv v. Thompson* 478 US 804,

1 817 (1986). It can be either express or implicit. *Diaz v. Davis* 549  
2 Fed 3d 1223, 1229-1230 (9th Cir. 2008). The Court must look to  
3 the "rights creating" language and statutory structure within  
4 which it is contained. *Lamie v. United States Trustee* 540 US 526, 534  
5 (2004). The Court must assume that Congress did not intend to  
6 create a right without a remedy. *First Pacific Bancorp, Inc v. Helfer*, 224  
7 F.3d 1117, 1123, 1125-26 (9th Cir. 2000).

8 12. The four criteria of *Cort V. Ash* 422 US 66 (1975) are satisfied:

9 a. Defendant GUILLERMO ARCA is a member of a protected  
10 class for whom the statute, the "Protecting Tenants at  
11 Foreclosure Act" was created.

12 b. The rights-creating language of the PTFA, its context,  
13 and the legislative history. *Opera Plaza Residential Parcel Homeowners*  
14 *Assn. v. Hoang* 376 Fed. 3d 831, 836 (2004), 9th Cir) are  
15 underscored by i. The language of the PTFA, particularly  
16 702(a), ii. The lack of any other specified enforcement  
17 mechanism [*First Pacific Bancorp inc. v. Helfer* 224 Fed 3d 1117m 1123  
18 (200, 9th Cir.); *Williams v. United Airlines, Inc* 500 Fed 3d, 1019,  
19 1024 (9th, 2007)], and iii. The legislative history.

20 c. The cause of action is consistent with the underlying  
21 purpose of the law: balancing the rights of the parties.

22 d. The "traditional status" of evictions as a state cause  
23 of action is the weakest of the criteria [*First Pacific Bancorp, Inc.*  
24 *v. Helfer*, 224 F. 3d 1117, 1127 (9th Cir. 2000)],  
25 particularly intended to occupy the field and break  
26 tradition, with a bold new law intended to protect tenants  
27 whose landlords did not use the rent money to pay the  
28

1 mortgage, in a distressed economy, under the Supremacy  
2 Clause.

3 13. The PTFA is not a defense, but the entire basis for the  
4 action to eject a bona fide residential tenant of a foreclosed  
5 landlord. Even without any defense of the PTFA being raised,  
6 Plaintiff cannot state a cause of action to remove such a tenant  
7 without framing the prima facie case in the language of the  
8 PTFA. The notice purports to comply with the PTFA, and without  
9 the reference to the 90-day notice required by the PTFA,  
10 Plaintiff would be unable to evict any such tenant.

11 14. The federal cause of action in ejectment is the basis for  
12 this action, irrespective of artful pleading, such that action  
13 could have been brought in Federal District Court.

14 **Removed Action**

15 15. The notice of removal is timely under Section 1446 (b) of  
16 Title 28 of the United States Code because it is filed within 30  
17 days of discovering that the case was ripe for removal.

18 16. A true and correct copy of the State Court Complaint of the  
19 action, Defendant's Pre-Judgment Claim of Right to Possession  
20 and related documents, sought to be removed to this Court are  
21 attached hereto and incorporated herein by reference.

22 17. Defendant, GUILLERMO ARCA is bona fide residential tenant of  
23 a foreclosed landlord, entitled to the protection of the PTFA,  
24 and entitled to remove this action to Federal Court.

25 18. Under California code of Civil Procedure 430.90, the state  
26 trial court hereby loses jurisdiction under the Federal Rules of  
27 Civil Procedure and does not recover jurisdiction, if at all,  
28 until and unless this action is remanded to the state Court,

1 after which jurisdiction will again attach as described in that  
2 statue.

3  
4 Date: 10/27/2022  
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8 GUILLERMO ARCA, IN PRO PER  
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# Exhibit “A”

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**SUMMONS**  
**(CITACIÓN JUDICIAL)****UNLAWFUL DETAINER—EVICTION****(RETENCIÓN ILÍCITA DE UN INMUEBLE—DESALOJO)****SUM-130**FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)**NOTICE TO DEFENDANT:****(AVISO AL DEMANDADO):**

Guillermo Arca; AND DOES 1 TO 10 INCLUSIVE

**YOU ARE BEING SUED BY PLAINTIFF:****(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

Casa Apartments LP

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 5 days. You have 5 DAYS, not counting Saturdays and Sundays and other judicial holidays, after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff.

A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courts.ca.gov/selfhelp](http://www.courts.ca.gov/selfhelp)), your county law library or the courthouse nearest you. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services website ([www.lawhelpca.org](http://www.lawhelpca.org)), the California Courts Online Self-Help Center ([www.courts.ca.gov/selfhelp](http://www.courts.ca.gov/selfhelp)), or by contacting your local court or county bar association.

**FEE WAIVER:** If you cannot pay the filing fee, ask the clerk for a fee waiver form. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

**¡AVISO!** Usted ha sido demandado. Si no responde dentro de 5 días, el tribunal puede emitir un fallo en su contra sin una audiencia. Una vez que le entreguen esta citación y papeles legales, solo tiene 5 DÍAS, sin contar sábado y domingo y otros días feriados del tribunal, para presentar una respuesta por escrito en este tribunal y hacer que se entregue una copia al demandante.

Una carta o una llamada telefónica no lo protege. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no presenta su respuesta a tiempo, puede perder el caso por falta de comparecencia y se le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados local.

**EXENCIÓN DE CUOTAS:** Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos con un gravamen sobre cualquier cantidad de \$10,000 ó más recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desestimar el caso.

1. The name and address of the court is:  
(El nombre y dirección de la corte es):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE, CENTRAL JUSTICE CENTER  
700 CIVIC CENTER DRIVE WEST  
SANTA ANA, CA 92701

CASE NUMBER (número del caso):  
30-2022-01268531-CL-UD-CJC

Commissioner Robert Kohler

2. The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Shelley M. Crawford #219957  
2040 Main Street, Suite 500  
Irvine, CA 92614

Kimball, Tiley & St. John LLP  
(949) 476-5585

SUM-130

PLAINTIFF (Name): Casa Apartments LP	CASE NUMBER:
DEFENDANT (Name): Guillermo Arca	30-2022-01268531-CL-UD-CJC

3. (Must be answered in all cases) An unlawful detainer assistant (Bus. & Prof. Code, §§ 6400-6415) ☒ did not ☐ did for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, complete item 4 below.)

4. Unlawful detainer assistant (complete if plaintiff has received any help or advice for pay from an unlawful detainer assistant):

- a. Assistant's name:
- b. Telephone no.:
- c. Street address, city, and zip:
- d. County of registration:
- e. Registration no.:
- f. Registration expires on (date):

Date: 07/05/2022 DAVID H. YAMASAKI, Clerk of the Court Clerk, by H. McMaster, Deputy  
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).) H. McMaster  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons (form POS-010).)



5. NOTICE TO THE PERSON SERVED: You are served

- a. ☒ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as an occupant.
- d. ☐ on behalf of (specify):
  - under: ☐ CCP 416.10 (corporation). ☐ CCP 416.60 (minor).
  - ☐ CCP 416.20 (defunct corporation). ☐ CCP 416.70 (conservatee).
  - ☐ CCP 416.40 (association or partnership). ☐ CCP 416.90 (authorized person).
  - ☐ CCP 415.46 (occupant). ☐ other (specify):
- e. ☐ by personal delivery on (date):

Electronically Filed by Superior Court of California, County of Orange, C. 7/05/2022 04:25:46 P.M.  
 30-2022-01268531-CL-UD-CJC - ROA # 2 - DAVID H. YAMASAKI, Clerk of the Court By H. McMaster, Deputy Clerk.

UD-100

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: <b>Shelley M. Crawford #219957</b> FIRM NAME: <b>Kimball, Tirey &amp; St. John LLP</b> STREET ADDRESS: <b>2040 Main Street, Suite 500</b> CITY: <b>Irvine</b> TELEPHONE NO.: <b>(949) 476-5585</b> EMAIL ADDRESS: <b>OCefiling@kts-law.com</b> ATTORNEY FOR (name): <b>Plaintiff</b>		STATE BAR NUMBER  STATE: <b>CA</b> ZIP CODE: <b>92614</b> FAX NO.: <b>(949) 476-5580</b>	FOR COURT USE ONLY          <b>Assigned for All Purposes</b> <b>Commissioner Robert Kohler</b>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>Orange</b> STREET ADDRESS: <b>700 CIVIC CENTER DRIVE WEST</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>SANTA ANA, CA 92701</b> BRANCH NAME: <b>CENTRAL JUSTICE CENTER</b>			
PLAINTIFF: <b>Casa Apartments LP</b> DEFENDANT: <b>Guillermo Arca</b> <input checked="" type="checkbox"/> DOES 1 TO 10 inclusive			
COMPLAINT - UNLAWFUL DETAINER* <input checked="" type="checkbox"/> COMPLAINT <input type="checkbox"/> AMENDED COMPLAINT (Amendment Number):		CASE NUMBER: <b>30-2022-01268531-CL-UD-CJC</b>	
Jurisdiction (check all that apply): <input checked="" type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input checked="" type="checkbox"/> does not exceed \$10,000. <input type="checkbox"/> exceeds \$10,000 but does not exceed \$25,000. <input type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (amount demanded exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint or cross-complaint (check all that apply): <input type="checkbox"/> from unlawful detainer to general unlimited civil (possession not in issue). <input type="checkbox"/> from limited to unlimited. <input type="checkbox"/> from unlawful detainer to general limited civil (possession not in issue). <input type="checkbox"/> from unlimited to limited.			

## 1. PLAINTIFF (name each):

Casa Apartments LP

alleges causes of action against DEFENDANT (name each):

Guillermo Arca

2. a. Plaintiff is (1) ☐ an individual over the age of 18 years. (4) ☐ a partnership.  
 (2) ☐ a public agency. (5) ☐ a corporation.  
 (3) ☒ other (specify): **Limited Partnership**
- b. ☐ Plaintiff has complied with the fictitious business name laws and is doing business under the fictitious name of (specify):
3. a. The venue is the court named above because defendant named above is in possession of the premises located at (street address, apt. no., city, zip code, and county):  
**21661 Brookhurst St. #85**  
**Huntington Beach, Orange County, CA 92646**
- b. The premises in 3a are (check one)  
 (1) ☒ within the city limits of (name of city): **Huntington Beach**  
 (2) ☐ within the unincorporated area of (name of county):
- c. The premises in 3a were constructed in (approximate year): **1969**
4. Plaintiff's interest in the premises is ☒ as owner ☐ other (specify):
5. The true names and capacities of defendants sued as Does are unknown to plaintiff.

\*NOTE: Do not use this form for evictions after sale (Code Civ. Proc., § 1161a).

Page 1 of 4

UD-100

PLAINTIFF: Casa Apartments LP  
DEFENDANT: Guillermo Arca

CASE NUMBER

6. a. On or about (date): 07/01/2019

defendant (name each):  
Guillermo Arca

- (1) agreed to rent the premises as a ☐ month-to-month tenancy ☒ other tenancy (specify): 1 Year  
(2) agreed to pay rent of \$ 1,705.00 payable ☒ monthly ☐ other (specify frequency):  
(3) agreed to pay rent on the ☒ first of the month ☐ other day (specify):

- b. This ☒ written ☐ oral agreement was made with  
(1) ☐ plaintiff. (3) ☐ plaintiff's predecessor in interest.  
(2) ☒ plaintiff's agent. (4) ☐ Other (specify):

- c. ☒ The defendants not named in item 6a are  
(1) ☐ subtenants.  
(2) ☐ assignees.  
(3) ☒ Other (specify): Unknown

- d. ☒ The agreement was later changed as follows (specify):  
Rent was adjusted to \$1805.00 per month, Effective 01/01/2022 in accordance with California Law.

- e. ☐ A copy of the written agreement, including any addenda or attachments that form the basis of this complaint, is attached and labeled Exhibit 1. (Required for residential property, unless item 6f is checked. See Code Civ. Proc., § 1166.)

- f. ☒ (For residential property) A copy of the written agreement is not attached because (specify reason):  
(1) ☐ the written agreement is not in the possession of the landlord or the landlord's employees or agents.  
(2) ☒ this action is solely for nonpayment of rent (Code Civ. Proc., § 1161(2)).

7. The tenancy described in 6 (complete (a) or (b))

- a. ☐ is not subject to the Tenant Protection Act of 2019 (Civil Code, § 1946.2). The specific subpart supporting why tenancy is exempt is (specify):  
b. ☒ is subject to the Tenant Protection Act of 2019.

8. (Complete only if item 7b is checked. Check all applicable boxes.)

- a. ☒ The tenancy was terminated for at-fault just cause (Civil Code, § 1946.2(b)(1)).  
b. ☐ The tenancy was terminated for no-fault just cause (Civil Code, § 1946.2(b)(2)) and the plaintiff (check one)  
(1) ☐ waived the payment of rent for the final month of the tenancy, before the rent came due, under section 1946.2(d)(2), in the amount of \$  
(2) ☐ provided a direct payment of one month's rent under section 1946.2(d)(3), equaling \$ to (name each defendant and amount given to each):

- c. ☐ Because defendant failed to vacate, plaintiff is seeking to recover the total amount in 8b as damages in this action.

9. a. ☒ Defendant (name each): Guillermo Arca

was served the following notice on the same date and in the same manner:

- (1) ☐ 3-day notice to pay rent or quit (5) ☐ 3-day notice to perform covenants or quit  
(2) ☐ 30-day notice to quit (not applicable if item 7b checked)  
(3) ☐ 60-day notice to quit (6) ☐ 3-day notice to quit under Civil Code, § 1946.2(c)  
(4) ☐ 3-day notice to quit Prior required notice to perform covenants served (date):  
(7) ☒ Other (specify): 3-Day Pay/30-Day Quit (CARES); #1; #2

UD-100

PLAINTIFF: Casa Apartments LP DEFENDANT: Guillermo Arca	CASE NUMBER:
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9. b. (1) On (date): #1 5/19/2022; #2 06/15/2022 the period stated in the notice checked in 9a expired at the end of the day.  
(2) Defendants failed to comply with the requirements of the notice by that date.  
c. All facts stated in the notice are true.  
d. ☒ The notice included an election of forfeiture.  
e. ☒ A copy of the notice is attached and labeled Exhibit 2. (Required for residential property. See Code Civ. Proc., § 1166. When Civil Code, § 1946.2(c), applies and two notices are required, provide copies of both.)  
f. ☐ One or more defendants were served (1) with the prior required notice under Civil Code, § 1946.2(c), (2) with a different notice, (3) on a different date, or (4) in a different manner, as stated in Attachment 10c. (Check item 10c and attach a statement providing the information required by items 9a-e and 10 for each defendant and notice.)
10. a. ☒ The notice in item 9a was served on the defendant named in item 9a as follows:  
(1) ☐ By personally handing a copy to defendant on (date):  
(2) ☐ By leaving a copy with (name or description):  
a person of suitable age and discretion, on (date): at defendant's  
☐ residence ☐ business AND mailing a copy to defendant at defendant's place of residence  
on (date): because defendant cannot be found at defendant's residence or usual place of business.  
(3) ☒ by posting a copy on the premises on (date): 05/16/2022 (all notices)  
☒ AND giving a copy to a person found residing at the premises AND mailing a copy to defendant at the premises  
on (date): 05/16/2022 (all notices)  
(a) ☐ because defendant's residence and usual place of business cannot be ascertained OR  
(b) ☒ because no person of suitable age or discretion can be found there.  
(4) ☐ (Not for 3-day notice; see Civil Code, § 1946, before using) By sending a copy by certified or registered mail  
addressed to defendant on (date):  
(5) ☐ (Not for residential tenancies; see Civil Code, § 1953, before using) in the manner specified in a written  
commercial lease between the parties  
b. ☐ (Name):  
was served on behalf of all defendants who signed a joint written rental agreement.  
c. ☐ Information about service of notice on the defendants alleged in item 9f is stated in Attachment 10c.  
d. ☐ Proof of service of the notice in item 9a is attached and labeled Exhibit 3.
11. ☐ Plaintiff demands possession from each defendant because of expiration of a fixed-term lease.  
12. ☒ At the time the 3-day notice to pay rent or quit was served, the amount of rent due was \$ 3,610.00  
13. ☒ The fair rental value of the premises is \$ 60.16 per day.  
14. ☐ Defendant's continued possession is malicious, and plaintiff is entitled to statutory damages under Code of Civil Procedure section 1174(b). (State specific facts supporting a claim up to \$600 in Attachment 14.)  
15. ☒ A written agreement between the parties provides for attorney fees.  
16. ☐ Defendant's tenancy is subject to the local rent control or eviction control ordinance of (city or county, title of ordinance, and date of passage):

Plaintiff has met all applicable requirements of the ordinances.

17. ☒ Other allegations are stated in Attachment 17.  
18. Plaintiff accepts the jurisdictional limit, if any, of the court.

UD-100

PLAINTIFF: Casa Apartments LP  
DEFENDANT: Guillermo Arca

CASE NUMBER

19. PLAINTIFF REQUESTS

- a. possession of the premises.  
b. costs incurred in this proceeding:  
c. ☒ past-due rent of \$ 3,610.00  
d. ☒ reasonable attorney fees.  
e. ☒ forfeiture of the agreement.  
f. ☐ damages in the amount of waived rent or relocation assistance as stated in item 8: \$  
g. ☒ damages at the rate stated in item 13 from (date): 06/01/2022 for each day that defendants remain in possession through entry of judgment.  
h. ☐ statutory damages up to \$600 for the conduct alleged in item 14.  
i. ☐ other (specify):

20. ☒ Number of pages attached (specify): 5

UNLAWFUL DETAINER ASSISTANT (Bus. & Prof. Code, §§ 6400-6415)

21. ☒ (Complete in all cases.) An unlawful detainer assistant ☒ did not ☐ did for compensation give advice or assistance with this form. (If declarant has received any help or advice for pay from an unlawful detainer assistant, complete a-f.)

- a. Assistant's name:  
b. Street address, city, and zip code:  
c. Telephone no.:  
d. County of registration:  
e. Registration no.:  
f. Expires on (date):

Date: 06/27/2022

Shelley M. Crawford, Bar #219957

(TYPE OR PRINT NAME)

Is/ Shelley M. Crawford

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

VERIFICATION

(Use a different verification form if the verification is by an attorney or for a corporation or partnership.)

I am the plaintiff in this proceeding and have read this complaint. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

See attached verification

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF)



**FW-001**

**Request to Waive Court Fees**

**CONFIDENTIAL**

*Clerk stamps date here when form is filed.*

If you are getting public benefits, are a low-income person, or do not have enough income to pay for your household's basic needs and your court fees, you may use this form to ask the court to waive your court fees. The court may order you to answer questions about your finances. If the court waives the fees, you may still have to pay later if:

- You cannot give the court proof of your eligibility,
- Your financial situation improves during this case, or
- You settle your civil case for **\$10,000** or more. The trial court that waives your fees will have a lien on any such settlement in the amount of the waived fees and costs. The court may also charge you any collection costs.

**1 Your Information** (person asking the court to waive the fees):

Name: GUILLERMO ARCA

Street or mailing address: 21661 BROOKHURST ST., #85

City: HUNTINGTON BEACH State: CA Zip: 92646

Phone: \_\_\_\_\_

**2 Your Job**, if you have one (job title): SELF-EMPLOYED

Name of employer: UBER

Employer's address: \_\_\_\_\_

**3 Your Lawyer**, if you have one (name, firm or affiliation, address, phone number, and State Bar number):

*Fill in court name and street address:*

**Superior Court of California, County of**  
**ORANGE,**  
**700 CIVIC CENTER DR, WEST**  
**SANTA ANA, CA 92701**  
**CENTRAL JUSTICE CENTER**

*Fill in case number and name:*

**Case Number:**

**30-2022-01268531-CL-UD-CJC**

**Case Name:**

**CASA APRTMENTS LP v. ARCA**

a. The lawyer has agreed to advance all or a portion of your fees or costs (check one): Yes ☐ No ☐

b. (If yes, your lawyer must sign here) Lawyer's signature: \_\_\_\_\_

*If your lawyer is not providing legal-aid type services based on your low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.*

**4 What court's fees or costs are you asking to be waived?**

- ☒ Superior Court (See *Information Sheet on Waiver of Superior Court Fees and Costs* (form FW-001-INFO).)
- ☐ Supreme Court, Court of Appeal, or Appellate Division of Superior Court (See *Information Sheet on Waiver of Appellate Court Fees* (form APP-015/FW-015-INFO).)

**5 Why are you asking the court to waive your court fees?**

a. ☒ I receive (check all that apply; see form FW-001-INFO for definitions):

- ☒ Food Stamps ☐ Supp. Sec. Inc. ☐ SSP ☒ Medi-Cal ☐ County Relief/Gen. Assist. ☐ IHSS
- ☐ CalWORKS or Tribal TANF ☐ CAPI ☐ WIC ☐ Unemployment

b. ☐ My gross monthly household income (before deductions for taxes) is less than the amount listed below. (If you check 5b, you must fill out 7, 8, and 9 on page 2 of this form.)

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income	If more than 6 people at home, add \$786.67 for each extra person.
1	\$2,265.00	3	\$3,838.34	5	\$5,411.67	
2	\$3,051.67	4	\$4,625.00	6	\$6,198.34	

c. ☐ I do not have enough income to pay for my household's basic needs and the court fees. I ask the court to: (check one and you **must** fill out page 2):

- ☐ waive all court fees and costs ☐ waive some of the court fees ☐ let me make payments over time

**6** ☐ Check here if you asked the court to waive your court fees for this case in the last six months.

(If your previous request is reasonably available, please attach it to this form and check here): ☐

**I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct.**

Date: 10/27/2022

GUILLERMO ARCA

Print your name here

Sign here

Your name: GUILLERMO ARCA

Case Number:

30-2022-01268531-CL-UD-CJC

If you checked 5a on page 1, do not fill out below. If you checked 5b, fill out questions 7, 8, and 9 only. If you checked 5c, you **must** fill out this entire page. If you need more space, attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.

- 7 ☐ Check here if your income changes a lot from month to month. If it does, complete the form based on your average income for the past 12 months.

8 Your Gross Monthly Income

a. List the source and amount of **any** income you get each month, including: wages or other income from work before deductions, spousal/child support, retirement, social security, disability, unemployment, military basic allowance for quarters (BAQ), veterans payments, dividends, interest, trust income, annuities, net business or rental income, reimbursement for job-related expenses, gambling or lottery winnings, etc.

(1)	_____	\$ _____
(2)	_____	\$ _____
(3)	_____	\$ _____
(4)	_____	\$ _____

b. Your total monthly income: \$ \_\_\_\_\_

9 Household Income

a. List the income of all other persons living in your home who depend in whole or in part on you for support, or on whom you depend in whole or in part for support.

	Name	Age	Relationship	Gross Monthly Income
(1)	_____	_____	_____	\$ _____
(2)	_____	_____	_____	\$ _____
(3)	_____	_____	_____	\$ _____
(4)	_____	_____	_____	\$ _____

b. Total monthly income of persons above: \$ \_\_\_\_\_

Total monthly income and household income (8b plus 9b): \$ \_\_\_\_\_

To list any other facts you want the court to know, such as unusual medical expenses, etc., attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.

Check here if you attach another page. ☐

**Important!** If your financial situation or ability to pay court fees improves, you must notify the court within five days on form FW-010.

10 Your Money and Property

- a. Cash \$ \_\_\_\_\_
- b. All financial accounts (List bank name and amount):
- |     |       |          |
|-----|-------|----------|
| (1) | _____ | \$ _____ |
| (2) | _____ | \$ _____ |
| (3) | _____ | \$ _____ |

- c. Cars, boats, and other vehicles
- |     | Make / Year | Fair Market Value | How Much You Still Owe |
|-----|-------------|-------------------|------------------------|
| (1) | _____       | \$ _____          | \$ _____               |
| (2) | _____       | \$ _____          | \$ _____               |
| (3) | _____       | \$ _____          | \$ _____               |

- d. Real estate
- |     | Address | Fair Market Value | How Much You Still Owe |
|-----|---------|-------------------|------------------------|
| (1) | _____   | \$ _____          | \$ _____               |
| (2) | _____   | \$ _____          | \$ _____               |

- e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.):
- |     | Describe | Fair Market Value | How Much You Still Owe |
|-----|----------|-------------------|------------------------|
| (1) | _____    | \$ _____          | \$ _____               |
| (2) | _____    | \$ _____          | \$ _____               |

11 Your Monthly Deductions and Expenses

a. List any payroll deductions and the monthly amount below:

(1)	_____	\$ _____
(2)	_____	\$ _____
(3)	_____	\$ _____
(4)	_____	\$ _____

- b. Rent or house payment & maintenance \$ \_\_\_\_\_
- c. Food and household supplies \$ \_\_\_\_\_
- d. Utilities and telephone \$ \_\_\_\_\_
- e. Clothing \$ \_\_\_\_\_
- f. Laundry and cleaning \$ \_\_\_\_\_
- g. Medical and dental expenses \$ \_\_\_\_\_
- h. Insurance (life, health, accident, etc.) \$ \_\_\_\_\_
- i. School, child care \$ \_\_\_\_\_
- j. Child, spousal support (another marriage) \$ \_\_\_\_\_
- k. Transportation, gas, auto repair and insurance \$ \_\_\_\_\_

l. Installment payments (list each below):

	Paid to:	
(1)	_____	\$ _____
(2)	_____	\$ _____
(3)	_____	\$ _____

m. Wages/earnings withheld by court order \$ \_\_\_\_\_

n. Any other monthly expenses (list each below).

	Paid to:	How Much?
(1)	_____	\$ _____
(2)	_____	\$ _____
(3)	_____	\$ _____

Total monthly expenses (add 11a – 11n above): \$ \_\_\_\_\_



**FW-003**

**Order on Court Fee Waiver  
(Superior Court)**

Clerk stamps date here when form is filed.

**1 Person who asked the court to waive court fees:**

Name: GUILLERMO ARCA

Street or mailing address: 21661 BROOKHURST ST., #85

City: HUNTINGTON BEACH State: CA Zip: 92646

**2 Lawyer, if person in 1 has one (name, firm name, address, phone number, e-mail, and State Bar number):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

ORANGE,  
700 CIVIC CENTER DR, WEST  
SANTA ANA, CA 92701  
CENTRAL JUSTICE CENTER

**3 A request to waive court fees was filed on (date):** \_\_\_\_\_

☐ The court made a previous fee waiver order in this case on (date): \_\_\_\_\_

Fill in case number and name:

**Case Number:**

30-2022-01268531-CL-UD-CJC

**Case Name:**

CASA APARTMENTS LP v. ARCA

**Read this form carefully. All checked boxes ☒ are court orders.**

**Notice:** The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case for **\$10,000** or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

**4 After reviewing your:** ☐ *Request to Waive Court Fees* ☐ *Request to Waive Additional Court Fees*  
**the court makes the following orders:**

a. ☐ The court **grants** your request, as follows:

(1) ☐ **Fee Waiver.** The court grants your request and waives your court fees and costs listed below. (*Cal. Rules of Court, rules 3.55 and 8.818.*) You do not have to pay the court fees for the following:

- Filing papers in superior court
- Making copies and certifying copies
- Sheriff's fee to give notice
- Reporter's fee for attendance at hearing or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter
- Assessment for court investigations under Probate Code section 1513, 1826, or 1851
- Preparing, certifying, copying, and sending the clerk's transcript on appeal
- Holding in trust the deposit for a reporter's transcript on appeal under rule 8.130 or 8.834
- Making a transcript or copy of an official electronic recording under rule 8.835
- Court fee for phone hearing
- Giving notice and certificates
- Sending papers to another court department

(2) ☐ **Additional Fee Waiver.** The court grants your request and waives your additional superior court fees and costs that are checked below. (*Cal. Rules of Court, rule 3.56.*) You do not have to pay for the checked items.

- ☐ Jury fees and expenses
- ☐ Fees for court-appointed experts
- ☐ Other (specify): \_\_\_\_\_
- ☐ Fees for a peace officer to testify in court
- ☐ Court-appointed interpreter fees for a witness

Your name: GUILLERMO ARCA

Case Number:

30-2022-01268531-CL-UD-CTL

- b. ☐ The court **denies** your fee waiver request because:

**Warning!** If you miss the deadline below, the court cannot process your request for hearing or the court papers you filed with your original request. If the papers were a notice of appeal, the appeal may be dismissed.

- (1) ☐ Your request is incomplete. You have **10 days** after the clerk gives notice of this Order (see date of service ☐ on next page) to:

- Pay your fees and costs, or
- File a new revised request that includes the incomplete items listed:  
☐ Below ☐ On Attachment 4b(1)

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- (2) ☐ The information you provided on the request shows that you are not eligible for the fee waiver you requested for the reasons stated: ☐ Below ☐ On Attachment 4b(2)

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The court has enclosed a blank *Request for Hearing About Court Fee Waiver Order (Superior Court)* (form FW-006). You have **10 days** after the clerk gives notice of this order (see date of service below) to:

- Pay your fees and costs in full or the amount listed in c below, or
- Ask for a hearing in order to show the court more information. (*Use form FW-006 to request hearing.*)

- c. (1) ☐ The court needs more information to decide whether to grant your request. You must go to court on the date on page 3. The hearing will be about the questions regarding your eligibility that are stated:  
☐ Below ☐ On Attachment 4c(1)

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- (2) ☐ Bring the items of proof to support your request, if reasonably available, that are listed:  
☐ Below ☐ On Attachment 4c(2)

---

---

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**This is a Court Order.**

Your name: GUILLERMO ARCA

Case Number:  
30-2022-01268531-CL-UD-CTL

Name and address of court if different from above:

<b>Hearing Date</b>	→ Date: _____	Time: _____	_____
	Dept.: _____	Room: _____	_____

**Warning!** If item c(1) is checked, and you do not go to court on your hearing date, the judge will deny your request to waive court fees, and you will have 10 days to pay your fees. If you miss that deadline, the court cannot process the court papers you filed with your request. If the papers were a notice of appeal, the appeal may be dismissed.

Date: \_\_\_\_\_

Signature of (check one): ☐ Judicial Officer ☐ Clerk, Deputy

### Request for Accommodations



Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

### Clerk's Certificate of Service

I certify that I am not involved in this case and (check one):

- ☐ I handed a copy of this Order to the party and attorney, if any, listed in ① and ②, at the court, on the date below.
- ☐ This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ②, from (city): \_\_\_\_\_, California, on the date below.
- ☐ A certificate of mailing is attached.

Date: \_\_\_\_\_

Clerk, by \_\_\_\_\_, Deputy  
Name: \_\_\_\_\_

**This is a Court Order.**

1 GUILLERMO ARCA  
2 21661 BROOKHURST ST. APT. #85  
3 HUNTINGTON BEACH, ORANGE 92646  
4 (619) 560-6669  
5 NO FAX  
6 NO EMAIL  
7 IN PRO PER

8 **Superior Court, State of California**  
9 **for the County of ORANGE**

10 CASA APARTMENTS LP

11 PLAINTIFF,

12 VS.

13 GUILLERMO ARCA: AND DOES 1 TO 10  
14 INCLUSIVE DOES 1 TO 10 INCLUSIVE  
15 DEFENDANT,

)  
) Case No.: 30-2022-01268531-  
) CL-UD-CJC  
)

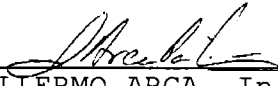
) **DEFENDANT'S NOTICE OF FILING**  
) **NOTICE OF REMOVAL TO FEDERAL**  
) **COURT**  
)  
)  
)  
)

16 TO: THE CLERK OF THE ABOVE-ENTITLED COURT, AND COUNSEL OF  
17 RECORD PLEASE TAKE NOTICE that defendant, GUILLERMO ARCA,  
18 today filed in the office of clerk of the United States  
19 District court for the Central District of California, a  
20 Notice and Petition removing the above-captioned pending  
21 action to The United States District Court.

22 **FEDERAL CASE#**

23 Pursuant to 28 U.S.C. 1446(d), the filing of The Petition  
24 for Removal with the clerk of the District Court together with  
25 giving of this notice "**shall effect the removal and The State**  
26 **Court shall proceed no further unless and until the case is**  
27 **remanded**" by the United States Court for The Central District  
28 of California.

Date: 10/27/2022

  
GUILLERMO ARCA, In Pro Per

1 **CERTIFICATE OF SERVICE BY MAIL**

2

3 The undersigned hereby certifies that on 10/27/2022 he served a copy of:

4

5 **NOTICE OF REMOVAL**

6 By placing said copy in an envelope addressed to the person(s) hereinafter named, at the places  
7 and addresses shown below, which are the last known addresses, and mailing said envelope and  
8 contents in the U.S. Mail in HUNTINGTON BEACH, California.

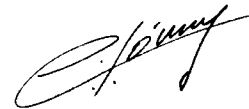
9

10

11 SHELLEY M. CRAWFORD #219957  
12 KIMBALL. TIREY & ST. JOHN LLP  
13 2040 MAIN STREET, SUITE 500  
14 IRVINE, CA 92614  
15 (619) 560-6669

16

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18 

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20 \_\_\_\_\_  
21 Guadalupe Gomez

22

23

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